

v.

Jennifer J. Marler, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Jennifer J. Marler, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. Investigations were conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Finding of Facts with respect to the professional performance of the Respondent:

Finding of Facts

1. The Rhode Island Department of Health, Division of Drug Control, received a complaint from a pharmacist regarding the amount of narcotic agents the Respondent had obtained from his and other pharmacies and the further amounts of narcotics the Respondent was attempting to obtain. At that time, the Respondent was enrolled in a hospital residency training program with a limited medical license as a Resident.
2. The Respondent had chronic pain in her left knee which was the result of a prior accident. The Respondent underwent several hospitalizations and surgical procedures. She complained of persistent pain and sought medications for

relief. The knee was successfully operated on in July 1990.

3. During her residency, July 1, 1989 to June 30, 1991, the Respondent involved several hospital physicians who were engaged in residency training programs by asking them to write multiple prescriptions for her.

4. In addition, the Respondent signed the names of various physicians with limited licenses to prescriptions for controlled substances without their knowledge and thereby obtained and took controlled substances from multiple pharmacies.

5. The Respondent used the names of two non-patients as patients to obtain narcotics fraudulently.

6. The Respondent initially denied the above allegations to the Board's investigators during interviews conducted on behalf of the Board; subsequently she admitted that the above allegations were correct.

7. The Respondent's actions constitute unprofessional conduct in violation of Rhode Island General Laws 5-37-5.2 (26).

The parties agree as follows:

(1) The Respondent is a physician licensed with a Limited License and doing business under and by virtue of the Laws of the State of Rhode Island, limited license No. 50884. Respondent's mailing address is 301 Allston St., Brookline, Massachusetts, 02146.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

- (4) Respondent hereby acknowledges and waives:
- a. The right to appear personally or by

- a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
 - i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (5) If the Consent Order is not accepted by the Respondent, the Investigating Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, an Administrative Hearing will be scheduled. A Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as

specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent accepts the Board's finding of unprofessional conduct. The Respondent agrees to the Board's sanction of Suspension, Stayed for the duration of the Respondent's Limited License. The Respondent shall enter a contract (specifically including psychiatric evaluation and counselling) with the Physician's Health Committee of the Rhode Island Medical Society for a period of two years. Quarterly reports must be sent to the Board detailing the progress of the Respondent. At the end of the two year period, the Respondent shall submit to a psychiatric evaluation by a psychiatrist of the Board's choosing. The Respondent's license will be restricted by the provision that she may prescribe narcotics only for specific patients under her assigned care during her period of Limited Licensure. This sanction is in accordance with the provisions of Rhode Island General Laws 5-37-6.3.

Signed this Second day of April 1992.

Jennifer J. Marler, M.D.

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Ratified by the Board of Medical Licensure and Discipline at
a meeting held on April 8, 1992.

Barbara A. DeBuono, M.D., M.P.H.

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Chairperson
Board of Medical Licensure and
Discipline